

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1413 Session of  
2015

INTRODUCED BY BROWNE, NOVEMBER 30, 2016

REFERRED TO JUDICIARY, NOVEMBER 30, 2016

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania  
2 Consolidated Statutes, establishing the Commonwealth  
3 Unbreakable Bonds Program within the Department of  
4 Corrections; establishing the Commonwealth Unbreakable Bonds  
5 Advisory Board and providing for its powers and duties; and  
6 establishing the Commonwealth Unbreakable Bonds Trust Fund.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 61 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 36

12 CUB PROGRAM

13 Sec.

14 3601. Scope of chapter.

15 3602. Declaration of policy.

16 3603. Definitions.

17 3604. Commonwealth Unbreakable Bonds Program.

18 3605. Powers and duties of department.

19 3606. Commonwealth Unbreakable Bonds Advisory Board.

20 3607. Report.

1 3608. Commonwealth Unbreakable Bonds Trust Fund.

2 § 3601. Scope of chapter.

3 This chapter relates to the Commonwealth Unbreakable Bonds  
4 (CUB) Program.

5 § 3602. Declaration of policy.

6 The General Assembly finds and declares as follows:

7 (1) It is the purpose of this chapter to ensure that  
8 children of incarcerated parents have the opportunity to  
9 remain in communication with their parents and to receive  
10 necessary assistance that aids in their future development  
11 and growth.

12 (2) An estimated 181,000 children across this  
13 Commonwealth are currently experiencing parental separation,  
14 a stressful and traumatic form of victimization, due to their  
15 parents' incarceration in a Federal, State or county  
16 correctional institution.

17 (3) Children of incarcerated parents and their families  
18 bear the economic and financial burdens associated with  
19 parental incarceration, including material hardship, family  
20 instability, lost income, multiple relocations and numerous  
21 school transfers, all of which pose significant risks to a  
22 child's healthy development.

23 (4) According to the Council of State Governments  
24 Justice Center, this Commonwealth has the highest  
25 incarceration rate among all states in the northeastern  
26 United States, despite significant reductions in recent  
27 years. Statistics for 2016, compiled by the department,  
28 calculate this Commonwealth's prison population at nearly  
29 53,000 inmates, with an average annual cost of \$42,000 per  
30 inmate.

1       (5) Approximately one-half of children with an  
2       incarcerated parent are under 10 years of age. Children with  
3       an incarcerated parent suffer significant trauma due to  
4       parental separation and endure the stigma of family disgrace.  
5       Nonetheless, a child's bond with a caring and emotionally-  
6       connected parent proves unbreakable despite the often  
7       repeated disappointment and loss due to parental  
8       incarceration. Fostering a strong and healthy relationship is  
9       beneficial for both child and parent.

10       (6) The Department of Justice finds the population of  
11       children of incarcerated parents has the highest risk for  
12       future delinquency and potential adult incarceration.

13       (7) Access to proven outcome-based programs that serve  
14       to maintain a parental relationship, strengthen families and  
15       assist children in overcoming the devastating emotional  
16       trauma and stigma of having an incarcerated parent is  
17       essential to the immediate and long-term physical and  
18       emotional health of children with incarcerated parents.

19       (8) Effective programming that includes emotional and  
20       behavioral support, skill-building opportunities and a  
21       targeted educational response is essential to breaking the  
22       intergenerational cycle of incarceration and its related grip  
23       of crime and poverty in our communities.

24       (9) Strengthening the unbreakable bond between a child  
25       and a caring but incarcerated parent will preserve families,  
26       improve the child's educational and health outcomes, reduce  
27       recidivism, lower correctional costs, reinvigorate  
28       communities and save taxpayer dollars at the Federal, State  
29       and county levels.

30       (10) Recognition and furtherance of the Commonwealth

Unbreakable Bonds Program is essential to the public health,  
safety and welfare of this Commonwealth.

§ 3603. Definitions.

The following words and phrases when used in this chapter  
shall have the meanings given to them in this section unless the  
context clearly indicates otherwise:

"Advisory board." The Commonwealth Unbreakable Bonds  
Advisory Board established under section 3606 (relating to  
Commonwealth Unbreakable Bonds Advisory Board).

"Child." A child under 18 years of age who resides in this  
Commonwealth.

"Commission." The Pennsylvania Commission on Crime and  
Delinquency.

"Correctional institution." A Federal correctional  
institution, a State correctional institution or a county  
correctional institution.

"Federal correctional institution." A Federal adult  
detention facility located in this Commonwealth, which provides  
for the custody and control of federally sentenced offenders.

"Fund." The Commonwealth Unbreakable Bonds Trust Fund  
established under section 3608 (relating to Commonwealth  
Unbreakable Bonds Trust Fund).

"Incarcerated parent." A child's parent who has been or is  
currently incarcerated in a correctional institution.

"Program." The Commonwealth Unbreakable Bonds Program  
established under section 3604 (relating to Commonwealth  
Unbreakable Bonds Program).

§ 3604. Commonwealth Unbreakable Bonds Program.

(a) Establishment.--There is established within the  
department the Commonwealth Unbreakable Bonds Program, which may

1 be referred to as the CUB Program. The program shall seek to  
2 maintain and reinforce family connectivity as a key to reduced  
3 childhood trauma for children of incarcerated parents.

4 (b) Support and services.--The following support and  
5 services shall be made available for children of parents  
6 incarcerated in a State or county correctional institution:

7 (1) Basic information about the postsentencing and  
8 incarceration process.

9 (2) A visiting handbook and resource guide that are made  
10 available in print and online and provide, to the extent  
11 practicable and depending on the security level of the  
12 institution, uniform correctional institution visitation  
13 rules and times, a listing of programs and services offered  
14 to inmates and options for family participation. The handbook  
15 shall also include information regarding preparing a child to  
16 visit an incarcerated parent.

17 (3) Access to visiting rooms at correctional  
18 institutions that are child-centered, nonintimidating and  
19 conducive to child and parental bonding.

20 (4) Assured parental communication between a child and  
21 an incarcerated parent that may include videoconferencing  
22 when feasible.

23 (5) Trained staff at a correctional institution who can  
24 provide assistance and referrals to services for children and  
25 their custodial parents or guardians, including access to  
26 services through the 2-1-1 system.

27 (6) Coordination between a family, the correctional  
28 institution and human service agencies that recognizes  
29 ancillary family needs, including housing, food and other  
30 supportive services.

1 (c) Programming for children and their families.--A child of  
2 an incarcerated parent shall have access to programs that  
3 include:

4 (1) Adults who are trained to work with and mentor  
5 children for the purpose of understanding their specific  
6 needs and problems, increasing protective factors while  
7 reducing risk factors and building skills that aid in  
8 positive youth outcomes, including resiliency, awareness of  
9 self, greater motivational efforts and improved social and  
10 communication skills.

11 (2) Individual counseling and therapeutic services, as  
12 necessary, that enable a child to overcome the emotional  
13 trauma of having an incarcerated parent.

14 (3) Opportunities to participate in appropriate age-  
15 based support groups that seek to promote mutual  
16 understanding and respect, improved interaction and enhanced  
17 communication, along with support group participation  
18 opportunities for childrens' custodial parents or guardians.

19 (4) Family strengthening activities that recognize the  
20 unique needs of children of incarcerated parents, including  
21 parenting courses and parenting skill development for  
22 custodial parents or guardians and incarcerated parents.

23 (5) Access to innovative strategies that empower  
24 children and families.

25 (6) The availability of reunification services and  
26 support that improve reintegration for the child and  
27 custodial family as a means of reducing recidivism for the  
28 incarcerated parent.

29 (d) Program eligibility.--The department, in consultation  
30 with the commission and the advisory board, shall develop and

1 implement eligibility criteria for the award of grants by the  
2 department to qualified providers and organizations who can  
3 deliver services as set forth in subsection (c). At a minimum,  
4 all eligible programming for grants under this chapter shall be  
5 outcome based and may include the use of mentors, specially  
6 trained therapists, licensed social workers and counselors.

7 (e) Application for program grants.--The department shall  
8 develop a grant application for eligible providers and  
9 organizations no later than six months following the effective  
10 date of this section. Eligible providers and organizations shall  
11 submit a grant application in accordance with the guidelines and  
12 requirements established by the department.

13 (f) Grant restrictions.--The following restrictions shall  
14 apply to grants awarded under this section:

15 (1) Grants shall be awarded on an annual basis and may  
16 extend over a three-year period of time.

17 (2) Grants shall be used to supplement and not supplant  
18 existing funding for the types of programs described.

19 (g) Limitation on entitlement.--Nothing in this chapter  
20 shall constitute an entitlement derived from the Commonwealth or  
21 a claim on any funds of the Commonwealth.

22 § 3605. Powers and duties of department.

23 The department shall have the following powers and duties:

24 (1) To administer the program in a manner which provides  
25 expanded services and support to children of incarcerated  
26 parents and their custodial families.

27 (2) To determine program priorities for the Commonwealth  
28 in consultation with the advisory board and to foster  
29 collaboration among State and county correctional  
30 institutions in the delivery of services to children of

1 incarcerated parents.

2 (3) To award grants and enter into contracts to  
3 implement the program based on established priorities. The  
4 department shall set specific goals with measurable  
5 objectives to monitor the impact of the program, including  
6 its resultant effect on improved youth outcomes, school  
7 attendance and academic performance, reduced school  
8 suspensions and expulsions and prevention of entry into the  
9 criminal justice system of children of incarcerated parents.

10 (4) To coordinate, monitor and evaluate the program to  
11 ensure compliance with priorities and goals and to ensure  
12 optimal delivery of effective program services.

13 (5) To prepare and submit reports as set forth in  
14 section 3607 (relating to report). The reports shall be made  
15 available for public inspection and posted on the  
16 department's publicly accessible Internet website.

17 § 3606. Commonwealth Unbreakable Bonds Advisory Board.

18 (a) Composition.--The secretary shall form the Commonwealth  
19 Unbreakable Bonds Advisory Board to provide advice and guidance  
20 on the structure and ongoing operation of the program. The  
21 secretary shall serve as the chairperson of the advisory board.  
22 The advisory board shall consist of the following members:

23 (1) The secretary or a designee.

24 (2) The Secretary of Human Services or a designee.

25 (3) The chairman of the commission or a designee.

26 (4) The chairman of the Juvenile Court Judges'  
27 Commission or a designee.

28 (5) The chairperson and minority chairperson of the  
29 Judiciary Committee of the Senate and the chairperson and  
30 minority chairperson of the Judiciary Committee of the House



1 of Representatives or their designees.

2 (6) One representative of a county children and youth  
3 office located in this Commonwealth.

4 (7) A physician representative of the Pennsylvania  
5 Chapter of the American Academy of Pediatrics with expertise  
6 in the developmental and emotional needs of children of  
7 incarcerated parents.

8 (8) A Commonwealth school principal, vice principal or  
9 guidance counselor familiar with student discipline and the  
10 impact it can have on children of incarcerated parents.

11 (9) Two members of nonprofit organizations located in  
12 this Commonwealth with expertise in the delivery of  
13 programming and services to children of incarcerated parents.

14 (10) One individual who has custody of a child with an  
15 incarcerated parent.

16 (11) One young adult child of a parent currently or  
17 formerly incarcerated.

18 (b) Term of office.--Members of the advisory board shall  
19 serve a term of four years and may be appointed for no more than  
20 one additional consecutive term. The terms for those members who  
21 serve by virtue of their public office shall run concurrently  
22 with their service in office. Any vacancy that occurs shall be  
23 filled for the balance of the unexpired term in the same manner  
24 as originally designated for that appointment.

25 (c) Meetings and expenses.--The advisory board shall meet at  
26 least twice a year, and the first meeting shall be held within  
27 three months of the effective date of this section. All meetings  
28 of the advisory board at which formal action is taken shall  
29 conform to 65 Pa.C.S. Ch. 7 (relating to open meetings). Members  
30 of the advisory board shall serve without compensation, but may

1 be reimbursed for necessary travel and other expenses in  
2 accordance with applicable law and regulations.

3 (d) Quorum.--A majority of the members of the advisory board  
4 shall constitute a quorum, and a vote of a majority of the  
5 members participating in a meeting shall be sufficient for all  
6 actions.

7 (e) Duties.--The advisory board shall have the following  
8 powers and duties:

9 (1) To serve in an advisory capacity to the department  
10 in the establishment of the program, including the  
11 development of a comprehensive plan and priorities related to  
12 the delivery of services and support to children of  
13 incarcerated parents and their families.

14 (2) To assist the department regarding the following:

15 (i) The use of outcome-based initiatives and  
16 services.

17 (ii) The development of guidelines and criteria for  
18 program grants.

19 (iii) The nature of provider qualifications.

20 (iv) The establishment of appropriate standards,  
21 methods and procedures for evaluation and monitoring of  
22 program grants and services.

23 (3) To advise the department with regard to planning and  
24 programming under this chapter that involves collaboration  
25 between State and county agencies.

26 (4) Upon request, to provide assistance and advice to  
27 the department on any other matters related to the  
28 implementation and operation of the program.

29 (f) Staff--The department shall provide staff support for  
30 the advisory board to facilitate the performance of its duties

1 under this chapter.

2 § 3607. Report.

3 Three years following the effective date of this section, and  
4 every two years thereafter, the department shall submit a report  
5 to the chairperson and minority chairperson of the Judiciary  
6 Committee of the Senate and the chairperson and minority  
7 chairperson of the Judiciary Committee of the House of  
8 Representatives regarding the implementation and results of the  
9 program. The report shall include:

10 (1) Identification of program priorities as devised in  
11 consultation with the advisory board.

12 (2) A listing by correctional institution of the time  
13 line for implementation of the basic support and services  
14 required under section 3604(b) (relating to Commonwealth  
15 Unbreakable Bonds Program).

16 (3) A description of the type of services provided to  
17 children and their custodial families through program grants.

18 (4) The number of applications filed for program grants  
19 on an annual basis.

20 (5) The identification of program grant recipients and  
21 the grant amount awarded to each recipient.

22 (6) The information and methodology used to provide  
23 program grants and evaluate their results.

24 (7) An evaluation of the effectiveness of the program in  
25 producing improved child outcomes and avoiding entry into the  
26 criminal justice system.

27 (8) Recommendations for any changes to the program that  
28 would improve the delivery of services and support to  
29 children of incarcerated parents.

30 § 3608. Commonwealth Unbreakable Bonds Trust Fund.

1     (a) Establishment.--The Commonwealth Unbreakable Bonds Trust  
2     Fund is established as a separate account in the State Treasury  
3     to support programs and activities that address the needs of  
4     children of incarcerated parents and their custodial families  
5     under this chapter. The fund shall be administered by the  
6     department. All interest earned from the investment or deposit  
7     of money accumulated in the fund shall be deposited in the fund  
8     for the same use.

9     (b) Funds.--All money deposited into the fund shall be held  
10    in trust and shall not be considered general revenue of the  
11    Commonwealth but shall be used only to effectuate the purposes  
12    of this chapter as determined by the department.

13    (c) Deposit.--Commencing July 1, 2017, money derived from  
14    surcharges on inmate telephone calls made at each State  
15    correctional institution shall be deposited into the fund. The  
16    total amount deposited shall not exceed \$5,000,000 annually. The  
17    department shall transfer payments to the fund within 30 days of  
18    receipt.

19    (d) Expenditures.--Money in the fund shall be expended for  
20    the purpose of implementing the program.

21    Section 2. This act shall take effect in 60 days.